

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MONICA M. AGLIORI,

Plaintiff,

11cv685

**ELECTRONICALLY FILED**

v.

ALCOA, INC.,

Defendant.

**MEMORANDUM ORDER RE: ADMISSIBILITY OF DEPOSITION TESTIMONY**  
**(DOC. NO. 89)**

**AND NOW**, this 13<sup>th</sup> day of March 2012, after careful consideration of the parties' Joint Statements on the Parties' Use of Deposition Testimony of Human Resources Manager Nedine Hunter at Trial (Doc. No. 89), **IT IS HEREBY ORDERED** that the deposition of Ms. Hunter may only be used to impeach her as a witness. See Doc. No. 59. The Court finds that Ms. Hunter is not a "managing agent" within the meaning of Federal Rule of Civil Procedure 32(a)(3). Although Ms. Hunter possesses the title Human Resources Manager, she did not have "superior authority" and "general powers to exercise [her] judgment and discretion in dealing with [Alcoa's] affairs." *Luther v. Kia Motors America, Inc.*, 2009 WL 1727909 at \*2 (W.D. Pa. June 18, 2009) (Standish, J.).

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties